

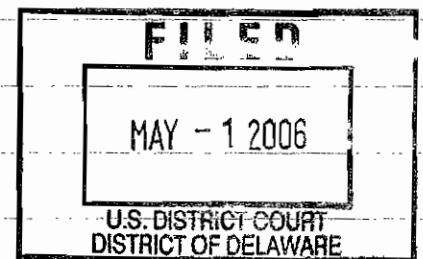
IN THE United States District Court
District of Delaware

Kevin C. Brathwaite,
Plaintiff

V.

C.A. #04-1542-G.M.S.

Thomas Carroll
C/o V. DUNN
Defendants



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AMENDED COMPLAINT

For his Amended Complaint
Against defendant, C/o V. DUNN
Per Courts order dated 3-29-06,
Plaintiff, Kevin C. Brathwaite
States the Following:

CAUSE OF ACTION

1. Plaintiff, Kevin C. Brathwaite
Filed his original Complaint in
December, 2004.
2. IN March, 2005 this Complaint
Was Amended to include
C/o V. DUNN AS A defendant

3. ON OR ABOUT November, 4th, 2005
C/O V. DUNN WAS SERVED BY
THE U.S. MARSHALS OFFICE.

4. IN April, 2005, this Plaintiff
received A Court order dated
March, 29th, 2006 "permitting him
to amend this claim to allege with
more particularity, the incident that
occurred ON December, 15th, 2004."

STATEMENT OF CLAIM

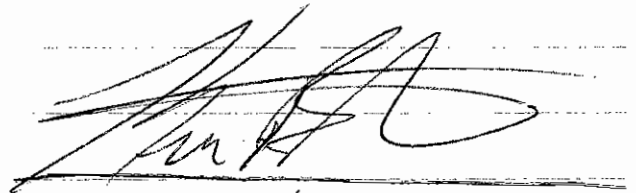
ON December, 15th, 2004 While
being housed in the infirmary at
the Delaware Correctional Center,
Plaintiff, Kevin C. Brathwaite WAS
ASSAULTED WITH A DANGEROUS
WEAPON BY C/O V. DUNN. AFTER
this ASSAULT took place, this
Plaintiff attempted to file a
grievance to exhaust his administrative
remedies, AND WAS told that he
WAS NOT ALLOWED to file a grievance.
C/O V. DUNN, violated this Plaintiff's
Constitutional right to be Free From
Cruel AND UNUSUAL punishment, by
ASSAULTING him WITH A DANGEROUS
Weapon.

AFFIDAVIT

I Kevin C. Brathwaite, States that the Following is true AND Correct.

ON December, 15th, 2004 While being housed in the infirmary at the Delaware Correctional Center, C/O V. DUNN, CAME to my cell AND Sprayed me in my face with MACE while I laid on my mattress sound asleep. The Area lieutenant was notified by officer Ebwelle, and LT. WALLACH, responded to the infirmary with two other officers AND I WAS taken out of my cell AND escorted to the shower to wash the MACE from my face AND body. While I WAS in the shower I WAS examined by Nurse Jamilla. I WAS then told by LT. WALLACH, that I could not be returned to my cell because the cell WAS SATURATED with MACE AND the cell had to be Secured until the next

MORNING. I WAS TAKEN OUT OF THE SHOWER AND ESCORTED TO A DIFFERENT CELL. THE NEXT DAY THE INTERNAL AFFAIRS OFFICER CAME TO THE INFIRMARY AND TOOK PICTURES OF THE CELL THAT WAS SATURATED WITH MACE AND INTERVIEWED WITNESSES. I FILED A GRIEVANCE REGARDING THIS MATTER AND ONCE AGAIN MY GRIEVANCE WAS IGNORED. AND GRIEVANCE OFFICER MERSON WROTE ON THE BACK OF THE GRIEVANCE, THAT I WAS NOT ALLOWED TO FILE A GRIEVANCE.



Signature

Timothy J. Mast
NOTARY

my Commission expires: June 14, 2006

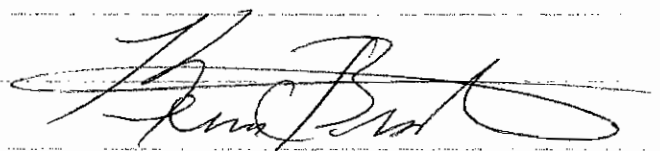
DATE: 26th April 2006

Wherefore, this plaintiff, Kevin C. Brathwaite, respectfully request the following relief:

- A. That this honorable Court enter a judgement for the Plaintiff against this defendant for damages both punitive and actual, in an amount to be proven at trial.
- B. For such other and further relief that this Court deems appropriate under the circumstances.

Jury Demand

Kevin C. Brathwaite, demands a trial by jury of any issues triable of right by jury



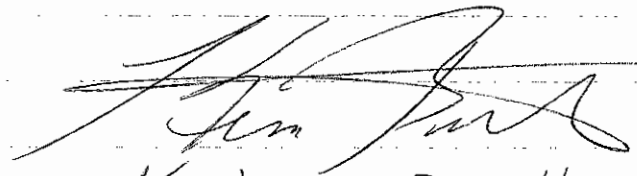
Kevin C. Brathwaite

Dated: April, 27th, 2006

Certificate of Service

I Kevin C. Brathwaite, States
that I have caused a copy
of the enclosed Amended
Complaint to be Mailed to
the Following party, by Way
of U.S. Postal Service

Opheia M. Waters, Esq
Atty Gen Office
820 N. French St
Wilmington De.
19801


Kevin C. Brathwaite
1181 Paddock Rd.
Smyrna DE.
19987

Dated: 4-28-06

IM/KEVIN C. BRATHWAITE

SBI# 315294 UNIT

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977



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Peter Valleo, Clerk
U.S. District Court
844 N. King St.
Wilmington DE.
19801

Leg. 1/1/01